

JUL 30 2007

Application Serial No. 09/782,011

REMARKS

1. The Applicant thanks the Examiner for his findings and conclusions.

- 5 2. It should be appreciated that Applicant has elected to amend Claims 1, 7, and 12 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein
10 entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Hilton Davis / Festo Statement

- 15 The amendments herein to Claims 1, 7, and 12 were not made for any reason related to patentability. Claims 1, 7, and 12 were amended to expedite the patent prosecution process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). All of the above listed amendments were made for reasons other than patentability.

- 20 3. Claims 1, 5, 7, 9-12 and 20-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ahmad.

Applicant respectfully traverses this rejection for at least three reasons.

- 25 First, Claim 1 as previously amended requires "said inspector automatically and without receiving consumer input querying at least one physical device communicatively coupled to said consumer's computer, in order to glean property

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information concerning said consumer's computer." Thus, Claim 1 requires querying a physical device. Further, the Applicant previously argued that:

5 Ahmad does not disclose or suggest these limitations. Instead, Ahmad discusses a system which attempts to trouble shoot a user's software problems, either by receiving input from the user as to the nature of the problem, or by interfacing with the problematic software program directly. Although this might be helpful for suggesting software fixes to the user, nothing in Ahmad discloses or suggests automatically gleaning hardware information about a consumer's
10 computer, as recited by claim 1.

In response, the Examiner argued in the Office Action dated May 30, 2007 that "hardware alone (without and software) cannot be communicated with in networks", implying that software and hardware are intrinsically linked.
15 Respectfully, the Examiner's argument is illogical. Claim 1 requires that at least one physical device is queried. While it is true that software is required to probe the physical device, it is not true that Ahmad's teaching of software necessitates querying of hardware. The Examiner's assertion that Ahmad's teaching of software necessitates that hardware is probed is deemed to be a false assertion.
20 Hence, the maintained rejection of Claims 1, 5, 7, 9-12 and 20-28 under 35 U.S.C. § 102(e) as being anticipated by Ahmad is deemed to be improper.

Claims 1, 5, and 21-28

Solely to expedite the patent prosecution process in accordance with the PTO's
25 Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00), the Applicant amends Claim 1 to require that the step of querying at least one physical device comprises querying any of the computer's storage device, operating system version, operating system property, RAM, ROM, and registry. Even if Ahmad does teach probing a peripheral printer, Ahmad does not teach or
30 suggest querying any of the computer's: storage device, operating system

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version, operating system property, RAM, ROM, or registry. Accordingly, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Ahmad is deemed to be overcome.

5 Claims 7 and 9-11

The Applicant further limits Claim 7 by requiring the inspector does not inspect a printer of the computer's peripherals. Accordingly, the current rejection of Claim 7 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Ahmad is deemed to be overcome.

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Claim 12

The Applicant amend Claim 12 to further require the inspector to use any of

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- a database containing information about the user, finding support in the application as filed at least at the "Database Inspector" section starting at page 73, line 17;

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- a remote inspector, wherein said remote inspector comprises use of at least one of a remote physical measurement, a remote database query, and a remote relevance invocation, finding support in the application as filed at least at the "Remote Inspector" section starting at page 76, line 27;

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- a log file, finding support in the application as filed at least at the "Inspecting program log Files" section starting at page 79, line 20; and
- operates using user profile data, finding support in the application as filed at least at the "User Profile Inspector" section starting at page 74, line 34.

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Accordingly, the current rejection of Claim 12 and all claims dependent therefrom under 35 U.S.C. § 102(e) as being anticipated by Ahmad is deemed to be overcome.

5 Claim 20

Claim 20 was cancelled in the response filed August 30, 2006. Accordingly, the current rejection of Claim 20 under 35 U.S.C. § 102(e) as being anticipated by Ahmad is deemed to be improper.

- 10 4. The Applicant adds new Claims 35-37 to the application. Claims 35 and 37 find support in the application in Claims 1, 7, and 12. The new element of Claims 35 is the inspector querying at least on physical property of the consumer's computer. Further, the preamble was modified to remove the expansive language of "said computer's peripherals". At best, Ahmad teaches
- 15 only editing a software element of the computer's printer. As newly claimed, Claim 35 does not claim an inspector operating on a computer peripheral, such as a printer. Further, as newly claimed, Claim 35 queries a physical property of the computer, not a software element operating on the computer. For example, a physical property is a hard drive capacity, CPU speed, manufacture, model, or
- 20 cache memory. Claims 35-37 find further support in the application as filed at least at page 48, lines 10-12.

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CONCLUSION

10 In view of the above, the Application is deemed to be in allowable condition. The
Examiner is therefore earnestly requested to withdraw all outstanding rejections,
5 allowing the Application to pass to issue as a United States Patent. Should the
Examiner have any questions regarding the application, he is respectfully urged
to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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